

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Gad GOLAN and Yuly GALPERIN

Serial Number: 09/463,726      Atty docket No. 2111-11

Filed:

For:                    ADHESIVE COMPOSITION FOR ELECTRICAL PTC HEATING DEVICE

Group Art Unit

Examiner:

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.47(A) – INVENTOR REFUSES TO SIGN

I, the undersigned Gad Golan, an Israeli citizen of 8 Hohit Street, 45352 Hod Hasharon, Israel, after having been warned to state the truth and only the truth and, that should I not do so, I will be subject to the penalties provided under law, hereby declare as follows:

1. I am a co-inventor with Yuly Galperin, of the invention entitled, Adhesive Composition for Electrical PTC Heating Device, which is the subject of a US patent application, as described above, the specification of which was filed as PCT/IL98/00354 on July 30, 1998.
2. At the time we invented the aforementioned invention, Mr. Galperin was an employee of Body Heat, Ltd., under an employment contract, and receiving a monthly salary.
3. Under the terms of Mr. Galperin's employment contract with Body Heat, Ltd., all of his right, title and interest in the said invention accrued immediately to the said Body Heat, Ltd.
4. In April 1999, Body Heat, Ltd., changed its name to A.T.C.T. ADVANCED THERMAL CHIPS TECHNOLOGIES LTD. ("ATCT"), and registered said change with the Registrar of Companies of the State of Israel.
5. In May 1999, Mr. Galperin voluntarily left his position at ATCT.
6. Shortly thereafter, Mr. Galperin sent a letter to ATCT, in which he claimed that he and not the company was the owner of the rights to said invention.
7. ATCT, is currently engaged in legal proceedings in the civil courts of the State of Israel against Mr. Galperin to establish its title in the said invention.
8. Since May 1999, Mr. Galperin has refused to cooperate in any way in the registering of the intellectual property rights of the said invention by ATCT, and accordingly has refused to sign any of the documents normally signed by an inventor in the registering of the corresponding intellectual property rights.
9. The last known address of Mr. Galperin is 1/8 Froog Street, 58292 Holon, Israel.

Signed this 9 day of April, 2000,

Gad Golan  
Gad Golan

## ASSIGNMENT

WHEREAS, Gad GOLAN of 8 Hohit Street, 45352 Hod Hasharon, Israel, and Yuly GALPERIN of 1/8 Froog Street, 58292 Holon, Israel, ("Assignor"), have invented a certain improvement in

### **ADHESIVE COMPOSITION FOR ELECTRICAL PTC HEATING DEVICE**

for which a so-entitled application for Letters Patent of the United States has been filed and given Serial No. 09/463,726, and which is further known by Attorney's Docket Number 2111-11, Nixon & Vanderhye P.C. We hereby authorize and request our attorney, Nixon & Vanderhye P.C to insert here in parentheses (filed 05/04/00) the filing date of said application when known, and to insert any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

And, WHEREAS, A.T.C.T. ADVANCED THERMAL CHIPS TECHNOLOGIES LTD. ("Assignee"), an Israeli corporation, having an office and place of business at 8 Hohit Street, 45352 Hod Hasharon, Israel, is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR by these presents hereby sells, assigns, and transfers unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full and exclusive right to the said invention in the United States and all foreign countries, as described in the aforesaid application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and behoof of ASSIGNEE, its successors, assigns, and legal representatives.

And, ASSIGNOR hereby agrees to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in and to any improvements, and applications for patents based thereon, growing out of or related to the said invention; and to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

Agreeing, further, upon request of ASSIGNEE, and without further remuneration, ASSIGNOR agrees to execute any and all papers desired by ASSIGNEE, for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

AGREED and executed as noted below:

Gady Golan  
Signature: Gad Golan

Date: April 9, 2000

\_\_\_\_\_  
Signature: Yuly Galperin

Date: \_\_\_\_\_, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: GOLAN, Gad and GAI, PERIN, Yuly,  
Serial or Patent No.  
Filed or Issued:  
For: Adhesive Composition for Electrical PTC Heating Device

Attorney's Docket No. \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of  
the concern identified below:

NAME OF CONCERN: A.T.C.T. - Advanced Thermal Chip Technologies Ltd.  
ADDRESS OF CONCERN: P. O. Box 12012  
77609 Ashdod  
ISRAEL.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above entitled invention described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed  
☐ patent no. \_\_\_\_\_, issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed in the ☐ Appendix hereto, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Shai Afek  
TITLE OF PERSON IF OTHER THAN OWNER Managing Director  
ADDRESS OF PERSON SIGNING Kibbutz Mishmar David, Israel

SIGNATURE \_\_\_\_\_

DATE: January 26, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: GOLAN, Gad and GALPERIN, Yuly Attorney's Docket No. 2111-11

Serial or Patent No. 09/463,726

Filed:

For: Adhesive Composition for Electrical PTC Heating Device

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of  
the concern identified below:

NAME OF CONCERN: A.T.C.T. ADVANCED THERMAL CHIPS TECHNOLOGIES LTD.

ADDRESS OF CONCERN: 8 Hohit Street, 45352 Hod Hasharon, Israel

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above entitled invention described in

- ☐ the specification filed herewith  
☒ application serial no. 09/463,726  
☐ patent no. \_\_\_\_\_, issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed in the ☐ Appendix hereto, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Gad GOLAN

TITLE OF PERSON IF OTHER THAN OWNER \_\_\_\_\_

ADDRESS OF PERSON SIGNING 8 Hohit Street, Hod Hasharon 45352, ISRAEL

SIGNATURE Gadly Golan DATE: April 9, 2000

Applicant or Patentee: GOLAN, Gad and GALPERIN, Yuly Attorney's  
 Serial Or Patent No.: 09/463,726 Dkt. No.: 2111-11  
 Filed or issued: May 4, 2000  
 For: Adhesive Composition for Electrical PTC Heating Device

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
 STATUS (37 1.9(f) AND 1.27 (c)) - **INDEPENDENT INVENTOR**

As below named inventors, we hereby declare that we qualify as independent inventors as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**ADHESIVE COMPOSITION FOR ELECTRICAL PTC HEATING DEVICE**

described in

[ ] the specification filed herewith  
 [ X ] application serial no. 09/463,726, filed \_\_\_\_\_  
 [ ] patent no. \_\_\_\_\_, issued \_\_\_\_\_

We have not assigned, granted, conveyed or licensed and are under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which we have assigned, granted, conveyed, or licensed or are under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[ ] no such person, concern, or organization  
 [ X ] persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME A.T.C.T. ADVANCED THERMAL CHIPS TECHNOLOGIES LTD.

ADDRESS 8 Hohit Street, 45352 Hod Hasharon, Israel

[ ] Individual [ X ] Small Business Concern [ ] Nonprofit Organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] Individual [ ] Small Business Concern [ ] Nonprofit Organization

We acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Gad GOLAN

Yuly GALPERIN

NAME OF INVENTOR

NAME OF INVENTOR

NAME OF INVENTOR

SIGNATURE

SIGNATURE

SIGNATURE

April 9, 2000

DATE

DATE

DATE

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As below named inventors, we hereby declare that our residence, post office address and citizenship are as stated below next to our names, and we believe that we are the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Adhesive Composition for Electrical PTC Heating Device**

the specification of which (check applicable box(s)):

☐ is attached hereto  
☒ was filed on \_\_\_\_\_ as U.S. Application Serial No. 09,463,726 (Atty Dkt. No.2111-11).  
☒ was filed as PCT international application No. PCT/IL98/00354 on July 30, 1998

and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. We hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
121449	Israel	August 1, 1997

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Day/Month/Year Filed
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We hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status:
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We hereby declare that all statements made herein of our own knowledge are true and correct; and further that these statements were made with the knowledge that willful falsification, or both, under Section 1001 of Title 18 of the United States Code and application or any patent issued thereon. And we hereby appoint **NIXON & VANDE** **22201-4714, telephone number (703) 816-4000 (to whom all communications** address) individually and collectively my attorneys to prosecute this application and therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Henon, 33626; Jeffrey, 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kaye, 29834.

*NON-Signing  
Inventor*

and belief are believed to be shable by fine or ardize the validity of the oor, Arlington, VA neys thereof (of the same rademark Office connected es T. Hosmer, 30184; Robert 1; Stanley C. Spooner, 27393; 49; B. Warren Burnam, Jr., in, 31260; Robert A. Molan,

1.	Inventor's Signature: <u>Gad GOLAN</u> Inventor: <u>Gad GOLAN</u> (first) (last) Residence: (city) <u>Hod Hasharon</u> (state/country) <u>Israel</u> Post Office Address: <u>8 Hohit Street, 45352 Hod Hasharon, Israel</u>	Date: <u>April 9, 2000</u> Israeli (citizenship)
2.	Inventor's Signature: <u>Yuly GALPERIN</u> Inventor: <u>Yuly GALPERIN</u> (first) (last) Residence: (city) <u>Holon</u> (state/country) <u>Israel</u> Post Office Address: <u>1/8 Froog Street, 58292 Holon, Israel</u>	Date: _____, 2000 Israeli (citizenship)